

REMARKS

Applicant appreciates the thorough examination of the present application, as evidenced by the Final Official Action of June 12, 2006.

In order to address the comments in the Final Official Action, Applicant has submitted herewith a Supplemental Declaration of Ronald Meadows dated December 21, 2006 ("Supplemental Declaration") to supplement the Declaration of Ronald Meadows dated February 28, 2006 (the "Declaration").

The Declaration and the Supplemental Declaration show that the Applicant conceived and reduced to practice the subject matter of the present application prior to November 2, 2001, the filing date of U.S. Patent No. 6,534,857 to Morse ("Morse"). Furthermore, the Declaration and Supplemental Declaration show that the Applicant exercised diligence in the development of the subject matter of the present application from at least September 20, 2000 until after November 2, 2001.

Accordingly, Applicant respectfully requests that Morse be removed as a reference and that the rejection of Claims 1, 4-8, 10-20 and 28-30 be withdrawn.

The Office Action indicated that a Declaration under Rule 1.131 was not appropriate to remove Morse as a reference. However, Applicant notes that the pending Claims were not rejected on Morse alone, but were rejected on a combination of Morse and U.S. Patent No. 5,270,554 to Palmour ("Palmour"). According to 37 CFR 41.203, an interference exists if the subject matter of a claim of one party would, if prior art, have anticipated or rendered obvious the subject matter of a claim of the opposing party and vice versa. In this case, the subject matter of a claim of Morse, standing alone, does not anticipate or render obvious the subject matter of a claim of the present application. Accordingly, Applicant submits that the preconditions for initiation of an interference are not met, and respectfully submits that a declaration under Rule 1.131 is appropriate to remove Morse as a reference.

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Favorable reconsideration of this application as amended is respectfully requested. Applicant further requests an interview with the Examiner, and requests the Examiner call the undersigned attorney at (919) 854-1400 to schedule the interview.

Respectfully submitted,

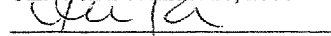


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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically to the U.S. Patent and Trademark Office on December 27, 2006


Amelia Tauchen